

REMARKS

The claims submitted herewith have been amended in accordance with the Examiner's suggestion made at the recent interview courteously granted Applicant to more closely distinguish over the cited prior art

The patent to Crisci discloses a replaceable snap on bottle cap for gallon milk jugs. The cap per se is formed with a top wall (10) surrounded by a depending skirt (11) in turn surrounded by a pull ring (13). The lower extremity of the cap skirt is attached to the upper extremity of the pull ring by frangible connecting elements (14). The pull ring functions as a tamper detecting means for dislodging the snap- on cap from a milk bottle while allowing the opened cap to be again replaced after initial opening. As clearly seen in Figs. 4 and 5 of Crisci, a pair of score lines extend up across the cap skirt and terminate at the cap top so that tearing terminates at the upper end of the cap skirt and does not extend into the cap top. This construction is what allows the Crisci cap to be reapplied to the bottle.

The patent to Kline discloses a snap- on overcap for application over various drum dispensing closures. The overcap of primary relevance consists of a cap (71) surrounded by a removable skirt (72) attached thereto by a plurality of frangible elements (73). The cap snaps onto an upstanding internally threaded neck with the removable skirt extending to the base of the neck providing a shield against undetected pry off attempts. The obvious deficiency in Kline is the inability to destroy the cap per se upon opening just as in Crisci. In other words, once the skirt is removed and the cap somehow pried off, it can then be snapped back on the neck again and the skirt placed back in position so that **visually** the container appears unopened. From a security viewpoint this is not completely satisfactory.

Claim 1 stands rejected as unpatentable over Crisci with the Examiner suggesting better definition of the score lines extending into the top wall would overcome the rejection. As currently amended claim 1 calls for "score lines extending upwardly across said skirt and laterally into said top wall". The claim further calls for "removal of said cap by tearing said strip along said score lines across said skirt and into said top wall". The apparently

replaceable Crisci milk bottle cap, devoid of top wall scoring, quite clearly performs a different function from the destructible cap of the invention. Claim 1 also recites “gripping means on said band to enable separation of said frangible connecting webs”. Crisci shows no such gripping means for this specific purpose. It should be noted as per the Crisci specification the “secondary flange(15) --- formed on most of the ring (13) acts as a reinforcing member applying additional rigidity and shape retention to the ring”.

Claims 2-7 depend from claim 1 and bring in additional details which further define the invention. Claims 2-7 should be allowed along with parent claim 1.

Claim 8 stands rejected as unpatentable over Kline in view of Crisci. Although not clearly stated it is believed the Examiner proposes modifying the drum closure of Kline by providing the skirt score lines and stiffening flange of Crisci. This, of course, is no more than a mere assemblage of somewhat related features with no teaching of the claimed inventive concept. Claim 8, as currently amended, calls for the tear strip “extending upwardly across said cap skirt and laterally into said top”. This structure, as the Examiner points out with regard to claim 1, is absent in Crisci. The claim further calls for “tearing said strip along said score lines out of said cap and exposing said dispensing closure”. This language clearly defines over any possible combination of Crisci and Kline. Claim 8 should be allowed.

Claims 9 and 10 recite details further defining the invention to distinguish over the prior art. The addition of Cooper to the combination of references only adds the showing of a cap skirt contacting a container wall and is not seen as anticipatory. Claims 8 and 9 should be allowed along with parent claim 8.

New claim 14 is also directed to an overcap and container dispensing closure combination drafted along the lines of claim 8. The claim specifically recites “frangible connecting webs” and also calls for score lines extending “laterally into said top wall” and “tearing said strip along said score lines across said cap” so as to define over Crisci. Claim 14 should be allowed.

New claim 15 depends from claim 14 and further recites “said score lines extending

across a major portion of said cap top". This recitation still further defines over the teaching of Crisci. Claim 15 should be allowed along with parent claim 14.

From the foregoing it is clear that neither the pull ring partial tear open cap of Crisci nor the pry off skirt overcap of Kline taken either singly or in combination are anticipatory of the instant invention as currently claimed. Claims 1-9 designated in the Interview Summary as overcoming the outstanding rejection and new claim 14 should all be allowed and the application passed to issue.

Respectfully submitted



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